

REMARKS

Claims 1-41 are pending in this application. Favorable reconsideration and allowance are respectfully requested.

In the Claims:

Applicants have amended claims 1, 3, 16, 17 and 28. No new matter has been added. Claims 17 and 28 have been amended to correct typographical errors. The term "not" has been inserted in claim 17 to clarify that the freestanding wall structure does not transfer a substantial amount of vibration to the supports or the roof structure. Support for this amendment can be found throughout the specification and in particular in paragraph [0051] (Page 16, lines 7-8.) Claims 1, 3, and 16 have been amended to clarify that the freestanding wall is substantially unconnected to the roof. Support for these amendments can be found throughout the specification and in paragraph [0028].

I. Claim Rejections under 35 U.S.C. § 112

The Examiner has rejected claim 17 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner requested clarification how the freestanding panel can transfer a "substantial" amount of vibration to the supports. Applicants have amended claim 17 to include the term "not" to indicate that the freestanding wall structure does not transfer a substantial amount of vibration to the supports or the roof structure. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claim 17 under 35 U.S.C. § 112, second paragraph.

II. Claim Rejections under 35 U.S.C. § 102 (b)

Claim 28 has been rejected under 35 U.S.C. § 102 (b) as being anticipated by Leuthesser (U.S. D252,215). The Examiner states that Leuthesser discloses the method of providing a shelter including the steps of providing a plurality of upstanding supports; providing a roof secured to a foundation; providing at least one wall; and

providing at least one freestanding wall structure such that there is a space between the freestanding wall and the wall structure.

Applicants respectfully traverse the Examiner's rejection based on Leuthesser. Applicants respectfully request reconsideration of the rejected claims in light of the traversals discussed below.

Leuthesser discloses a bus stop shelter having posts, walls, and roof. As shown in FIG. 1, **both** the rear wall (indicated by W on the Examiner's marked attachment) and the side wall (indicated by FP) are connected to the roof (R). At least two posts extend into the space around the side wall (FP) to connect the side wall (FP) to the bracket connected to the roof (R). The two posts can be clearly seen in FIGS. 1, 4 and 5, extending from the side wall (FP) to the roof (R). FIG. 2 also clearly shows a post connecting the side wall (FP) to the roof (R). Leuthesser fails to teach or suggest at least one freestanding wall structure.

In contrast, Applicants' claimed invention in claim 28 requires a freestanding wall structure positioned adjacent to at least one of the supports and having a space defined around the freestanding wall structure and any adjacent structure of the shelter. As shown in FIG. 1, the freestanding wall structure is substantially free standing, separate from the rest of the shelter. Leuthesser fails to teach or suggest a freestanding wall structure having a space defined around the freestanding wall structure. As noted above, the wall in Leuthesser is indeed attached to the other structures.

Therefore, the Applicants assert that the claimed invention is not anticipated by the Leuthesser reference. The Applicants respectfully request that the rejection of claim 28 under 35 U.S.C. §102(b) be withdrawn.

III. Claim Rejections under 35 U.S.C. § 103 (a)

Claims 3-7, 10-27 and 29-41 have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Leuthesser in view of Robbins (U.S. 5,107,637). With reference to claims 3, 15, 16, 27, 32, 34 and 38, the Examiner states that Leuthesser discloses the basic shelter except for explicitly disclosing whether the panel displays advertising material. The Examiner states that Robbins teaches a panel of a shelter

displaying advertising material and that it would have been obvious to one of skill in the art to provide the shelter of Leuthesser with advertising as taught by Robbins.

The Examiner states that elements of each of the remaining dependent claims, 4-7, 10-15, 18-27, 29-33, 35-37 and 39-41 are taught by Leuthesser in view of Robbins. With respect to claim 17, the Examiner states that the display walls of Leuthesser as modified by Robbins inherently transfer a substantial amount of vibration. This rejection is moot in light of the amendment to claim 17.

Applicants respectfully traverse the Examiner's rejections based on Leuthesser in view of Robbins since the references alone or in combination fail to teach or suggest Applicants' claimed invention. Even if the teachings of Leuthesser and Robbins could be combined, all of the recited elements in Applicants' rejected claims would not be found in the combination. Furthermore, the Examiner has not explained how it would be obvious to modify the structure in Leuthesser or Robbins. None of the prior art shows a wall substantially disconnected from the remaining structure.

Robbins discloses a shelter structure including a photovoltaic illumination system. The shelter includes a back wall 20 and a side wall 22 which, together with the wall module 16, support the roof 12. (Col. 3, lines 1-3). As shown in FIG. 1, the roof 12 is connected to and supported by the wall module 16 across the entire width of the wall module 16. The back wall 20, side wall 22 and wall module 16 are supported by a plurality of posts that surround the shelter and are also connected to the roof 12. Robbins fails to teach or suggest a freestanding wall structure.

As stated above, Leuthesser discloses a bus stop shelter having posts, walls, and roof connected to the posts and each of the walls. Leuthesser does not teach or suggest a freestanding wall panel. Leuthesser and Robbins together or individually fail to teach or suggest a free standing wall structure. Furthermore, the Examiner has not explained how it would be obvious to modify the structure in Leuthesser or Robbins or Zale. None of the prior art shows a wall substantially disconnected from the remaining structure. For example, Robbins shows a wall completely connected to the roof.

In contrast, Applicants claimed invention in independent claim 3 requires a panel display upstanding from the fixed foundation and the panel display is unattached to the

posts arranged to at least partially surround a spatial area and the roof. Applicants' independent claim 16 requires at least one freestanding wall structure. Applicants' claimed invention in independent claim 34 requires a freestanding panel wherein the freestanding panel is substantially unattached to the supports or to the roof. Independent claim 38 requires a display panel extending adjacent to a wall structure, but structurally separate therefrom.

Therefore, Applicants assert that the claimed invention is not obvious over any combinations of Leuthesser and Robbins. Applicants respectfully request that the rejection of claims 3-7, 10-27 and 29-41 under 35 USC §103(a) be withdrawn.

The Examiner rejected claims 8 and 9 under 35 USC §103(a) as being unpatentable over Leuthesser in view of Robbins as applied to claim 1 above and further in view of Zale (U.S. 4, 018,016). The Examiner states that Zale teaches channel members and glass panels.

Applicants respectfully traverse the Examiner's rejections based on Leuthesser in view of Robbins in view of Zale since the references alone or in combination fail to teach or suggest Applicants' claimed invention. Even if, *arguendo*, the teachings of Leuthesser, Robbins and Zale could be combined, all of the recited elements in Applicants' rejected claims would not be found in the combination.

Zale teaches a waiting station for buses having a beam and column construction for shipment in manageable sections and for assembly *in situ* with the use of hand tools. (Col. 1, lines 20-23.) As shown in at least FIGS. 1 and 5, the back frame 10 is connected to the two side frames 11, 12 and the roof assemble 13 is connected to all the frames 10-12. (See also Col. 2, lines 2-4.) FIG. 11 is an exploded perspective view showing another method of assembling the roof structure on the back and side frames of the shelter. (Col 1, lines 61-63.) Zale fails to teach or suggest a freestanding wall structure.

As discussed above Leuthesser and Robbins also teach a roof structure connected to the back and side walls. Leuthesser, Robbins and Zale together or individually fail to teach or suggest a free standing wall structure. As discussed above for independent claim 3 from which claims 8 and 9 depend, claim 3 requires a panel

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display upstanding from the fixed foundation and the panel display is unattached to the posts arranged to at least partially surround a spatial area.

Therefore, Applicants assert that the claimed invention is not obvious over any combinations of Leuthesser, Robbins and Zale. Applicants respectfully request that the rejection of claims 8 and 9 under 35 USC §103(a) be withdrawn.

IV. Claims 1 and 2

The Examiner has indicated on the Office Action Summary that claims 1-41 are rejected. However, in the detailed action, the Examiner has not provided support for the rejections of claims 1 and 2. Reference is made to claim 1 being unpatentable over Leuthesser in view of Robbins on page 7 in the rejection of claims 8 and 9, but no such rejection is included in the detailed action.

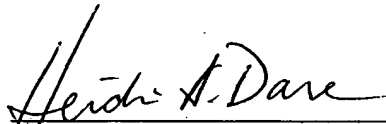
For the reasons stated above for independent claims 3, 16, 28, 34 and 38, Applicants assert that claim 1 is also not obvious over the combinations of Leuthesser, Robbins and Zale. None of these references teaches or suggests a third wall being supported freely from the first upstanding supports and the first and second walls as required by claim 1. Therefore, Applicants assert that claims 1 and 2 are also patentable.

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SUMMARY

Pending Claims 1-41 as amended are patentable. Applicants respectfully request the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,

A handwritten signature in cursive script, reading "Heidi A. Dare", is written over a horizontal line.

Heidi A. Dare
Registration No. 50,775
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200